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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,837	03/03/2004	Toshimichi Kishimoto	501.43611X00	2503

			EXAMINER
24956	7590	04/18/2006	ROSE, HELENE ROBERTA

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ART UNIT	PAPER NUMBER
2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/790,837	KISHIMOTO ET AL.
Office Action Summary	Examiner	Art Unit	
	Helene Rose	2163	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 March 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-12</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>03 March 2004</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>3/3/04, 5/31/05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Detailed Action

1.   The preliminary amendment filed on April 30, 2004, in response to abstract,

specification, and claims has been fully considered.

2   Claims 1-12 is pending.

3.   Claims 1-12 have been rejected.

Priority

4.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. (JP) 2003-388702,

filed on 11/19/2003.

Information Disclosure Statement

5.   The information disclosure statement (IDS) submitted on 3/03/04 and 5/31/2005,

accordingly, the information disclosure statement is being considered by the Office. An initialed

and dated copy of Applicant's IDS form 1449; is attached to the Instant Office Action.

However, the listing of references JP-A-2003-108420 and JP-A-2003-108412 in the specification

on page 1, line 13 and page 2, line 9; is not a proper information disclosure statement. 37

CFR 1.98(b) requires a list of all patents, publications, or other information submitted for

consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into

the specification but must be submitted in a separate paper." Therefore, unless the reference

have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

6.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference character(s) not mentioned in the description (Figures cited):

    A. Figure 5, element 310 (cited on page 8 of specification, lines 1-2)

    B. Figure 5, element 101 (cited on page 8 of specification, line 13)

    Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the

specification to add the reference character(s) in the description in compliance with 37 CFR

1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any

amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7.   Claims 1,3,5,7,9 and 11 are objected to because of the following informalities: Claims

1,3,5,7, and 9 have a <u>comma</u> cited after each limitation vs. a <u>semi-colon</u>. Appropriate correction

is required.

Claim Rejections – 35 U.S.C 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   **Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurose et al**

(US Publication No. 2001/0056459, Publication Date: December 27, 2001).

Claims 1,5,7, and 9:

Regarding claims 1,5,7, and 9, Kurose teaches a processing method for use in the

operation (see abstract, wherein apparatus processes received network service request and

provides a service) of a storage managing server that is connected to a storage device (page 14,

column [0152], wherein policy servers can be written as programs stored in computer-readable

recording mediums, wherein the operations can be realized by the computers executing the

programs, wherein the computer readable recording mediums may be a magnetic storage device,

Kurose) and a storage managing terminal (page 14, column [0152], wherein the programs can be

stored in a storage device belonging to a first computer transferred to a second computer

connected through a network to the first computer, wherein each program can be stored in a hard

disk drive or the like belonging to a computer, and wherein a terminal is interpreted to be a

device that allows you to send commands to a computer somewhere else, Kurose);

wherein the storage managing server receives a first request issued from said storage

managing terminal for executing the processing of the storage managing server (Figure 1, all

features and page 3, column [0044], wherein each service request-compatible apparatus, i.e.

diagram 20, is interpreted to be receiving the first request has a function of receiving a network

service request and providing a network service request, wherein the storage managing server is

interpreted to be service request compatible apparatus, i.e. diagram 20 and the storage managing

terminal is interpreted to service assignment apparatus, i.e. diagram 10, Kurose), and a second

request for executing processing including the communication of constructional information of

said storage device between said storage device and the storage managing server (Figure 1, all

features, page 3, column [0044], wherein each service request incompatible apparatus, i.e.

diagram 30, is interpreted to be receiving the second request, has a function receiving a service

setting request and performing an operation of setting as service in the service request

incompatible apparatus, and providing the service which is set in the service request

incompatible apparatus, i.e. diagram 30 and column [0045], wherein the target apparatus

determination has a function of determining based on the information on the service provision

state which is collected by the network information collection means, i.e. diagram 11, one of the

at least one service request incompatible apparatus, i.e. diagram 300, in which an operation of

setting a service should be performed, wherein the service mapping means has a function of

linking the network information with the service setting operation, Kurose); and

storage managing server starts processing with respect to said second request before the

storage managing server transmits a response to said first request to said storage managing

terminal (page 3, column [0048], wherein the service request incompatible apparatus, i.e.

diagram 30 is interpreted to be the receiving second request, provides a service which is identical

to or corresponds to a service provided by the service request-compatible apparatus, i.e. diagram

20, which is interpreted to be receiving first request, even when a service request-incompatible

apparatus, i.e. diagram 30, cannot inherently provide the service due to incapability of processing a network-service request for the service, and that is, it is possible to assign a characteristic service of the service-request-compatible apparatuses, i.e. 20 the service-request-incompatible apparatus 30, and therefore the service-request-incompatible apparatus i.e. diagram 30 can provide the service, Kurose).

Claims 2,6,8, and 10:

Regarding claims 2,6,8, and 10, Kurose teaches wherein said first request is a login request from said storage managing terminal to the storage managing server (page 2, column [0015], wherein protocol proposed in the RSVP admission policy work group, i.e., RAP-WG, Kurose in the IETF, and used for performing admission control operations which determines permission for or rejection of a reservation, where the admission control is performed during a bandwidth reservation process, for example, in accordance with RSVP, Kurose).

Claims 3 and 11:

Regarding claims 3 and 11, Kurose teaches a storage managing system constructed by a storage managing server connected to a storage device, and a storage managing terminal connected to the storage managing server;

wherein said storage managing terminal performs transmission processing (page 14, column [0150], wherein resv-message transmission is performed, Kurose) for sending a first request to said storage managing server (page 6, column [0080], wherein the COPS, i.e. common open policy server sends the request data f to the policy server and page 11, column [0126], wherein the COPS, i.e. common open policy server, transmission unit sends permission result information g to the RSVP compatible router, Kurose) and a second request for executing

processing (page 14, column [0150], wherein resv-message unit, i.e. diagram74, sends the resv

message i as a resv message j to the server, i.e. diagram 42 in accordance with the protocol,

Kurose), including the communication of constructional information of said storage device by

said storage managing server between said storage device and said storage managing server

(REFER to claims 1,5,7 and 9, wherein this limitation has been addressed, Kurose);

said storage managing server performs first processing executed in response to the first

request from said storage managing terminal, and second processing which is executed in

response to the second request from said storage managing terminal (REFER to claims 1,5,7 and

9, wherein this limitation has been addressed, Kurose), and includes the communication of the

constructional information of said storage device between said storage device and the storage

managing server (REFER to claims 1,5,7 and 9, wherein this limitation has been addressed,

Kurose); and

said second processing with respect to the second request from said storage managing

terminal is started in accordance with said first processing with respect to the first request from

said storage managing terminal before said storage managing server makes the response to said

storage managing terminal (REFER to claims 1,5,7 and 9, wherein this limitation has been

addressed, Kurose).

Claims 4 and 12:

Regarding claims 4 and 12, Kurose teaches wherein said first processing includes the

downloading of a manager program for operating the constructional information of said storage

device (page 14, column [0152], wherein each program can be stored in a hard disk drive or the

like belonging to a computer, and loaded into a main memory of the computer when the program

is executed by the computer, wherein downloading is interpreted to be loading, Kurose).

Prior Art of Record

1. <u>Kurose et al</u> (US Publication No. 2001/0056459) discloses a service assignment apparatus sets

an appropriate service in a service-request-incompatible apparatus as a network element so as to

guarantee the service in the entire network, wherein a service-request-compatible apparatus

processes a received network-service request, and provides a service; a network-information

collection unit in the service assignment apparatus collects information on a service-provision

state of the service-request-compatible apparatus; a target-apparatus determination unit that

determines a service-request-incompatible apparatus based on the collected information on the

service-provision state; a service mapping unit determines a service which the service-request-

incompatible apparatus can provide based on the information on the service-provision state and

information on the determined service-request-incompatible apparatus; and a service setting unit

sets the service in the service-request-incompatible apparatus.

2. <u>Tsuruta et al</u> (US Patent No. 6,378,050) discloses an information processing apparatus is

constructed to include a judging part for decoding an address of an input request and outputting a

judgment signal which indicates whether the input request is a cache control request or a DMA

control request, and a control part for carrying out a cache control when the judgment signal

from the judging part indicates the cache control request, and carrying out a DMA control when

the judgment signal indicates the DMA control request.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene Rose
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April 14, 2006
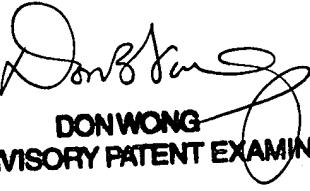
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